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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MARIA NERISA CARINGAL MAGBOJOS,

Plaintiff,

v.

GRANDISON MANAGEMENT, INC.,
RUSSELL NERSESOV, D.C. d/b/a SPINE
CARE CLUB, REHAB SYNERGY PT, P.C.,
and BASILIO E. LOPEZ,

Defendants.

Civil Action No. 18-cv-3520 ARR-JO

BROOKLYN OFFICE

DEFENDANT GRANDISON MANAGEMENT, INC.'S
APPLICATION TO CONFIRM ARBITRATION AWARD AND ENTER JUDGMENT

Pursuant to Section 9 of the Federal Arbitration Act, 9 U.S.C. § 9, defendant Grandison Management, Inc. ("Grandison") hereby applies for the Court to confirm the final arbitration award entered by Peter L. Altieri, Esq., in Grandison's favor and to enter the findings and relief contained therein as a judgment of the Court, including post-award interest pursuant to 28 U.S.C. § 1961(a). In support thereof, Grandison, by its attorneys, states as follows:

1. On June 15, 2018, plaintiff Maria Nerisa Caringal Magbojos filed suit in this Court against defendants Rehab Synergy PT, P.C. and Basilio Lopez (collectively, the "Rehab Synergy Defendants") as well as Grandison. Ms. Magbojos subsequently filed an amended complaint on August 10, 2018.

2. On August 16, 2018, Grandison filed a Demand for Arbitration with the American Arbitration Association pursuant to the arbitration provision in the contract between Ms. Magbojos and Grandison.

3. On November 28, 2018, the parties in this action filed a *Stipulation and Consent Order to Stay Proceedings Pending Arbitration* (ECF Dkt. No. 21), which the Court approved the same day.

4. The parties arbitrated their claims and counterclaims in a hearing held on September 3, 2019, and September 4, 2019, before Arbitrator Peter L. Altieri, Esq..

5. On October 25, 2019, Arbitrator Altieri issued an arbitration award in Grandison's favor, awarding Grandison the sum of \$28,310.68, plus \$9,835.00 in arbitration costs, for a total of \$38,145.68. See the *Final Award*, attached to the accompanying Declaration of Sami Asaad as Exh. A.

6. Section 9 of the Federal Arbitration Act provides that where parties to an arbitration agreement have agreed that a judgment may enter upon the award, "any party to the arbitration may apply to the court . . . for an order confirming the award." 9 U.S.C. § 9.

7. In this case, the contract between Ms. Magbojos and Grandison provides that "either party may apply to a court of competent jurisdiction for enforcement of such award."

8. "Normally, confirmation of an arbitration award is 'a summary proceeding that merely makes what is already a final arbitration award a judgment of the court,' and the court 'must grant' the award 'unless the award is vacated, modified, or corrected.'" *D.H. Blair & Co. v. Gottdiener*, 462 F.3d 95, 110 (2d Cir. 2006) (quoting *Florasynth, Inc. v. Pickholz*, 750 F.2d 171, 176 (2d Cir.1984); 9 U.S.C. § 9). "Only 'a barely colorable justification for the outcome reached' by the arbitrators is necessary to confirm the award." *Id.* (quoting *Landy Michaels Realty Corp. v. Local 32B-32J, Service Employees Int'l Union*, 954 F.2d 794, 797 (2d Cir.1992)). "A party moving to vacate an arbitration award has the burden of proof, and the showing required to avoid confirmation is very high." *Id.* (quoting *Willemijn Houdstermaatschappij, BV v. Standard Microsystems Corp.*, 103 F.3d 9, 12 (2d Cir.1997)).

9. Here, Ms. Magbojos has made no application to modify or vacate the Award, and does not oppose this application to confirmation the award. Accordingly, it is proper for this Court to confirm the Award and enter judgment upon it.

WHEREFORE, defendant Grandison Management, Inc. respectfully requests that this Court grant its Application for an order confirming the Award and for entry of judgment.

Dated: New York, New York
November 20, 2019

McCARTER & ENGLISH, LLP

/s/ Sami Asaad

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Application granted
S ordered - /s/(ARR) *MSA*